



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Jordan Galletta,
County Correction Officer, Passaic
County Sheriff's Office

Administrative Appeal

CSC Docket No. 2019-344

ISSUED: September 6, 2018 (RE)

The Passaic County Sheriff's Office (Passaic) petitions the Civil Service Commission (Commission) to relax the provisions of *N.J.A.C. 4A:4-7.1A(a)* in order to permit the permanent transfer of Jordan Galletta, in the title of Senior Correction Officer, Department of Corrections to the title of County Correction Officer, Passaic County.

By way of background, Galletta was appointed as Senior Correction Officer with Department of Corrections on May 13, 2013. In November 2017, Galletta sought an intergovernmental transfer to Passaic County. Galletta and the sending and receiving jurisdictions completed the agreement, and Galletta signed an Intergovernmental Transfer Waiver of Rights. Passaic completed a form in the County and Municipal Personnel System (CAMPS) regarding the transfer, effective December 15, 2017. Thereafter, on February 22, 2018, the Division of Agency Services (Agency Services) disapproved the transfer as it occurred without Commission approval. As such, Galletta was separated from permanent service with the Department of Corrections.

In August 2018, Passaic submitted a letter dated March 1, 2018, requesting a rule relaxation. Specifically, it states that there was a clerical error, so the paperwork was not processed, and the regular mail failed to deliver. It also states that it did not fax or email the request.

CONCLUSION

N.J.A.C. 4A:1-1.2(c) provides that a rule may be relaxed for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated.

The intergovernmental transfer rules permit the transfer of State, county and municipal employees between jurisdictions without loss of permanent status, subject to the approval of the transferring agency, the receiving agency, the transferring employee, and Agency Services. *N.J.A.C.* 4A:4-7.1A(a) states that an intergovernmental transfer is the movement of a *permanent* employee between governmental jurisdictions operating under Title 11A.

In the present matter, Passaic sought to transfer Galletta from the Department of Corrections from the title Senior Correction Officer to the title County Correction Officer. Both organizational units and Galletta consented to the transfer. However, in the absence of a request for administrative relief, Agency Services was unable to process the request to transfer on the basis that Galletta did not have permanent status with the Department of Corrections at the time that it received the request. Passaic maintains that this was the result of an administrative oversight, and that the request should have been sent and received at the time, in December 2017. As Agency Services disapproved the transfer, Galletta does not appear in CAMPS. Nevertheless, Passaic confirms he is still working there. Through administrative error Passaic did not send and confirm receipt of its request for an intergovernmental transfer for Galletta in December 2017.

The purpose of the Intergovernmental Transfer Program is to promote more efficient public service by allowing State and local jurisdictions to obtain the services of talented and experienced individuals from other jurisdictions within the Civil Service system. However, absent a compelling emergent situation, such as public safety, accepting and employing interested applicants prior to formal approval by Statewide Initiatives could seriously circumvent the Civil Service system and frustrate the legislative goals of appointments based on merit and fitness as demonstrated in a competitive testing situation. Nevertheless, based on the particular circumstances presented in this case, including the fact that appellant has been satisfactorily performing the duties with the appointing authority, good cause exists to provide administrative relief to permit the permanent transfer of appellant to the appointing authority. *See In the Matter of Kenneth Dowzycki* (MSB, decided December 1, 2004). Thus, it is appropriate for the Commission to permit the intergovernmental transfer of Galletta from the Department of Corrections to Passaic from the title Senior Correction Officer to the title County Correction Officer, effective December 15, 2017. Galletta satisfies the criteria for participation in the intergovernmental transfer program as the record demonstrates that he was permanently appointed as Senior Correction Officer in the Department of Corrections in accordance with Civil Service law and rules and completed his working test period.

Moreover, there is nothing in the record to indicate that any other party would be harmed by permitted the transfer and the public interest is served by ensuring sufficient staffing levels. Therefore, it is appropriate to relax the provisions of *N.J.A.C.* 4A:4-7.1A(a) to permit the retroactive intergovernmental transfer of Galletta from the title of Senior Correction Officer, Department of Corrections to County Correction Officer, Passaic.

ORDER

Therefore, it is ordered that this request, seeking the transfer of Jordan Galletta in the title of Senior Correction Officer, Department of Corrections to the title of County Correction Officer, Passaic County, be granted with an effective date of December 15, 2017.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 5th DAY OF SEPTEMBER, 2018



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Jordan Galletta
Richard Berdnik
Kelly Glenn
Records Center